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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 MELVIN JOSEPH SIMMONS, ) No. 1:21-cv-01550-NONE-SAB (PC)  
12 Plaintiff, )  
13 v. ) ORDER DISMISSING ACTION FOR FAILURE  
14 CISNEROS, et al., ) TO PAY FILING FEE  
15 Defendants. )  
16 )

17 Plaintiff Melvin Joseph Simmons is proceeding *pro se* in this civil rights action pursuant to 42  
18 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §  
19 636(b)(1)(B) and Local Rule 302.

20 On November 22, 2021, the court issued an order denying plaintiff's motion to proceed *in*  
21 *forma pauperis* and ordering plaintiff to pay the filing fee within 20 days. (Doc. No. 12.) The court  
22 cautioned plaintiff that "[f]ailure to pay the filing fee as ordered will result in dismissal of this action  
23 without prejudice." (*Id.* at 2.)

24 To date, plaintiff has not paid the filing fee as directed by the court in its November 22, 2021  
25 order and the time to do so has passed.

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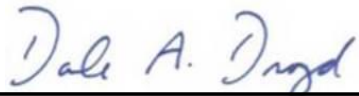
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1 Accordingly,

- 2 1. This action is dismissed for failure to pay the filing fee and failure to obey a court  
3 order; and,  
4 2. The Clerk of the Court is directed to assign a district judge to this action for purposes of  
5 closure and to close this case.  
6

7 IT IS SO ORDERED.

8 Dated: **January 5, 2022**

  
UNITED STATES DISTRICT JUDGE